

REPORT AND RECOMMENDATION OF OFFENDER NON-COMPLIANCE

Offender Name: Donald Walker

Docket Number: 1:97CR05253-01 OWW

Judicial Officer: Honorable Oliver W. Wanger
United States District Judge
Fresno, California

Original Sentence Date: May 18, 1998

Original Offense: 18 USC 922(g), Felon in Possession of a Firearm

Original Sentence: 57 months custody of Bureau of Prisons; 36 months supervised release; \$100 special assessment; mandatory testing.

Special Conditions: 1) Warrantless search; 2) Drug treatment; 3) Drug testing; 4) No alcohol; 5) Mental health treatment; 6) \$5 aftercare co-payment per month for treatment or testing.

Other Court Action:

October 22, 2002: The Court approved the probation officer's recommendation not to take any adverse action subsequent a violation of supervised release as the probation officer increased the defendant's drug testing, counseling and supervision. The increased drug testing and treatment was in response to the defendant testing positive for the use of marijuana.

September 3, 2003: The Court approved the probation officer's plan to have the defendant reside and participate in a residential Community Corrections Center for up to 120 days.

January 12, 2004: Court revoked supervised release and sentenced defendant to 6 months custody of the Bureau of Prisons followed by 30 months supervised release. This violation was based on the defendant's failure to participate in the Comprehensive Sanction Center.

August 25, 2005: The Court approved the probation officer's recommendation not to take any adverse action subsequent a violation of supervised release as the probation officer increased the defendant's drug testing, counseling and supervision. The increased drug testing and treatment was in response to the defendant testing positive for the use of marijuana.

Type of Supervision: Supervised release

Supervision Commenced: April 21, 2004

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

ILLICIT DRUG USE (DATES) - THC/ Marijuana (09/05/2005, 09/19/2005, 09/27/2005, 10/03/2005, 10/17/05)

Details of alleged non-compliance: The defendant admitted to using marijuana during the month of September 2005.

United States Probation Officer Plan/Justification: Despite the defendant's recent drug use, he appears to be making progress in his drug and alcohol therapy. Since suffering a relapse, the defendant has participated in increased drug testing, counseling, and additional AA/NA groups. Further, he has remained drug-free for approximately one month and continues to maintain a stable residence and employment. Based on the defendant's positive progress in his drug and alcohol counseling, the undersigned officer recommends that no adverse action be taken at this time and that the Court allow the defendant to continue on supervision. He has been noticed that further violations will result in a possible revocation of his supervised release.

Respectfully submitted,

/s/ Scott J. Waters

Scott J. Waters
Senior United States Probation Officer
Telephone: (559) 498-7268

DATED: December 1, 2005
Fresno, California
SJW/sjw

REVIEWED BY: /s/ Bruce A. Vasquez
BRUCE A. VASQUEZ
Supervising United States Probation Officer

THE COURT ORDERS:

The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.

Submit a Request for Modifying the Conditions or Term of Supervision.

Submit a Request for Warrant or Summons.

Other:

December 1, 2005

/s/ OLIVER W. WANGER

Date **Name of Judicial Officer**

cc: United States Probation
Jonathan Conklin, Assistant United States Attorney
Victor Chavez, Assistant Federal Defender